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MEMORIAL

OF THE

SENECA INDIANS,

TO THE

PRESIDENT OF THE UNITED STATES,

ALSO

AN ADDRESS

FROM THE

COMMITTEE OF FRIENDS,

WHO HAVE EXTENDED CARE TO THESE INDIANS,

AND AN

EXTRACT FROM THE REPORT

OF THE

COMMISSIONER OF INDIAN AFFAIRS.

BALTIMORE:
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1850.

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Feb. 12, 1935

TO HIS EXCELLENCY THE

PRESIDENT OF THE UNITED STATES

The Seneca nation of Indians in the State of New York would respectfully represent

That at the close of the Revolutionary war the State of Massachussetts claimed an interest in large tracts of land lying in the western parts of the State of New York. By an agreement between those States made at Hartford on the 16th day of December, 1786, New York granted to Massachusetts all her claim to these lands, subject to the right of the Indian natives therein; and the State of Massachusetts ceded to the State of New York the sovereignty and jurisdiction over the same.

On the 11th day of May, 1791, the Commonwealth of Massachusetts conveyed to Robert Morris all its right in and to the said land, it being a "right of *pre-emption*," or exclusive right to purchase of the native Indians their title to said lands. By sundry subsequent conveyances, this *pre-emption right*, became vested in the "Ogden Land Company," so far as regarded those parts of the said lands, which had not before been sold. Thus the said Land Company became entitled to purchase all the land remaining unsold, which had belonged to the ancient Confederacy of the Six Nations, in the State of New York.

Since the year 1791 various treaties have been made between the Seneca Indians and the said Land Company, by which the said Indians sold all their right to the remnant of their once extensive territory, excepting certain small tracts retained for their own occupation: They lie in the western part of the State and are generally known by the name of the "Indian Reservations."

By a treaty made at Canandaigua on the 11th day of November, 1794 between the Government of the United States and the New York Indians, the said Government solemnly guarantied to them the peaceable possession and enjoyment of all their reservations. The extension of the white settlements westwardly, greatly enhanced the value of these reservations, and exciting the cupidity of the land speculators, they used various means to remove our people, in order to get possession of their lands. As far back as the year 1802, the encroachment and depredations of the whites on our reservations, became subjects of great annoyance to our people.

Alarmed and agitated by these movements, our Nation in junction with the Onondaga Indians, applied to the United States Government, for its protection, in fulfilment of the guaranty, stipulated in the said recited treaty. Faithful to its contract, the United States authorities immediately interposed, and General Dearborn, then Secretary of War, by authority of the President of the United States issued a Proclamation, dated March 17th, 1802, strictly forbidding all disturbance of the said Indians in the quiet possession of their lands; and solemnly declaring that all the lands of the said Seneca and Onondaga Indians shall be and remain their property forever unless voluntarily sold by them.

Notwithstanding this care of the United States Governme the land speculators have grievously annoyed us, by incessa attempts of a hidden, or more obvious character, to drive from our lands. Thus constantly harrassed, our nation not only made unhappy, but by being kept in a restless a

ious state, our improvement and civilization were greatly retarded. These speculators as it is well known, did, in the year 1838, and subsequently, by enormous bribes so corrupt some of our Chiefs, as to obtain a Treaty, by which our nation was deprived of the title to all thier lands, and was to have been driven into the wilderness beyond the Mississippi to perish Under the treaty of 1838, between the United States Government and the New York Indians, about two hundred of them by plausible but false pretences, were induced to emigrate to that country, which had been described to them as a terrestrial paradise, and there, through want and by the diseases of the climate about one half of their number died within six or eight months after their arrival. The remnant were brought back at great expense by a delegation of our friends.

After years of inexpressible suffering, from the fraudulency of the land agents, and the corruption of our Chiefs, a treaty, thro' the mediation of our Friends, was made at Buffalo, in the year 1842. The Reservations of Allegany and Cattaraugus were by that treaty reconveyed to our nation. Many of our people removed from Buffalo and settled on the lands restored to us. In our new situation, feeling confident of a permanent settlement, our people applied themselves to agriculture; and by improvement in this and other branches of useful knowledge, gave evidence of rapid advancement toward civilization. But this bright day was soon overcast with clouds. Three years had not passed away before the increasing intelligence of the nation, led them to perceive that, as like causes produce like effects, so our chiefs who had signed the fraudulent treaty of 1838, by which we lost our land, might by means, equally fraudulent, deprive us of it again.

Under these convictions we became very uneasy. A council of the nation was called to meet at Cattaraugus on the 20th of January, 1845. It met accordingly, and after a full discussion of the subject it was resolved and determined that our political usages should be changed, and so amended that

no sale or disposition of our lands should be valid unless made in full council, and the assent of two-thirds of all the Chiefs, Warriors, and adult male citizens of the nation be obtained;—such assent to be given by our people *in writing*, under their hands and seals in full and open council of the Chiefs and Warriors of the nation.

Thus the power of the Chiefs to alienate our lands was taken from them, but their power, was in no other respects curtailed. This kind of government could not in the nature of things, last long in a nation, which was daily advancing in civilization. It was in fact only adapted to the rudest state of society. But circumstances soon occurred to hasten a revolution, which was indeed inevitable before the nation could be settled on a permanent basis. Our Chiefs had been deprived of the power again to sell our land, but not to defraud us of our money. We saw them wielding power without responsibility or limitation of time: We saw them squandering the people's property without regard to the general good; we saw them embezzling our money, and applying to their own use the funds of the nation.

Roused by these abuses, and with a clear view of the ruin to which they must ultimately lead, the nation determined to change the form of their government, and, by the establishment of an *elective Republic*, subject their officers to a strict responsibility, and throw round the people the protection of equal laws. In pursuance of this determination the people of the Seneca nation, after due and public notice given, met in Convention at Cattaraugus on the 4th day of December, 1848, and there adopted a written Constitution, by which the ancient government *by Chiefs* was abrogated, and a Representative Government established in its stead. This Constitution is founded on the great principles of Government embraced by the people of the United States in their political establishments. It recognizes the fundamental principles adopted by our white neighbors, in their Declaration of Independence; and

to secure the great object of government, as stated in that document, has been the end and aim of the Seneca nation in their late Revolution. With such modifications only, as were necessary to suit it to the peculiar circumstances of the people. Our Constitution has been copied after the long tried models of the States around us. It has Legislative, Executive, and Judiciary Departments. All our officers are annually elected directly by the citizens—of course are immediately responsible to their constituents, and in case of mal-administration easily and speedily removed.

Soon after the adoption of the new form of Government the Ex-Chiefs, who by the change were reduced to the level of their fellow citizens, and had lost both the honors and emoluments of office, manifested great uneasiness. Under these feelings they sent a delegation to the Indian Department complaining of the movement of the nation. About the same time the new Government sent agents to Washington to represent their case. The Commissioner of Indian affairs in order to arrive at a sound judgment on the subject, wrote a letter to the United States sub-Agent at Ellicottsville in the State of New York, requiring him to inform the Department amply on all subjects connected with the late Revolution. This was done and the Department having deliberately weighed the evidence furnished by both parties, at length decided in favor of the new Government. The following letter from the Commissioner of Indian Affairs at Washington to the sub-Agent, announces the final determination of the Department.

"War Department,
Office of Indian Affairs, Feb. 2d, 1849.

Sir: Your report of the 24th ultimo has been received. The new form of government of Indians on the Cattaraugus

and Allegany Reservations, having been adopted by a majority, will be recognized by the Government, and so far as may be necessary, the relations of the Government with those Indians will be made to conform thereto; and as requested by them, Philip E. Thomas of Baltimore, will be recognized as their friend, and as the Representative of their wishes and interests. Very respectfully, your obedient servant,

WM. MEDILL."

R. H. SHANKLAND, Sub-agent, Ellicottsville, N. Y.

The Ex-Chiefs goaded by their loss of power, sent a deputation to Albany, in order to induce the Government of New York to refuse connection with the Seneca nation under its new aspect. Their attempt was a miserable failure. After a thorough investigation of the subject by a Committee of the Assembly, the following resolutions were adopted by both branches of the Legislature, to wit:

"Resolved, That the recognition by the Government of the United States, of the new Constitutional Government, lately formed by the Indians residing on the Cattaraugus and Allegany Reservations, establishes the new Government, as that which the State of New York must receive and acknowledge, in its dealings with the said Indians, and that the officers of this State, ought, and are hereby instructed to respect such new Government accordingly.

Resolved, That in future the annuity which under the treaty with the Senecas is made payable to the Chiefs of that nation, hereafter be paid by the Treasurer, or on the warrant of the Comptroller to thereorder of such officer or agent as shall *under said new Constitution* be appointed to receive the same and give proper discharges therefor."

Thus after careful inquiry and mature deliberation, the constituted authorities both of the General Government and the Government of the State of New York, have solemnly recognized the REPUBLIC OF THE SENECA NATION, as the true and legitimate source of power and authority for their government. Under that Constitution we have now been enjoying all the blessings of *civil and religious liberty* with perfect *protection of person and property*, for nearly two years. The Ex-Chiefs, who by the late revolution were deprived of official authority, have constantly kept up an organized opposition to the new government, with a view to drive back the nation to its former inefficient and irresponsible system. They can have no honorable motive for such opposition. They enjoy the same protection, the same civil rights, the same eligibility to office, in fine, all the rights and immunities of the rest of the nation. But depraved by a long course of corruption, they cannot endure a change, (however beneficial to the Commonwealth) which deprives them of the power they so greatly abused; and therefore, by every unworthy artifice, and the grossest misrepresentation, they endeavor to deceive the public as well as our own people. To this opposition we believe they are prompted by corrupt, as well as by ambitious motives. We know that some of them now receive *annuities* as the reward of their former treachery, in the fraudulent transfer of the national domain to the Ogden land company: and it is generally believed that these annual payments are made in anticipation of *future services*, as well as in payment for *past treasons*.

Under the new Constitution the Seneca nation is successfully pursuing the great objects of all good governments. Already enjoying a full and adequate protection of person, and property,—with Institutions for the scientific and religious improvement of our people,—with the generous patronage of the General and State Governments, we have nothing more to desire, but a *fair and uninterrupted opportunity* to carry out our new system of Government, and nothing further to ask of the

public authorities but their continued protection against the arts and intrigues of those who desire our destruction.

Signed

ZECHARIAH L. JIMESON, President
of the Seneca Nation of Indians.

WM. JEMERSON, Secretary.

TO THE

PRESIDENT OF THE UNITED STATES.

The Committee representing that portion of the society of Friends, who for a number of years past have been endeavoring to promote the civilization of the Seneca Indians residing in the Western part of the State of New York, respectfully represent to the President, that after struggling with many adverse circumstances which greatly retarded the improvement of these Indians, occasioned partly, from the aversion which in common with all other people they generally felt to changing their long established habits and institutions, but more especially from the counteracting influences, perseveringly exerted, by certain agents of land speculators, who omitted no effort to keep these people in a condition of restless unsettledness and discord, with the view of finally effecting their removal from the Reservations yet in their possession; Amidst all these obstacles however, those Indians continued by slow, but gradual advances to improve, until a great change has been effected in their condition. It is now some years since they have wholly abandoned any dependence upon the chase for the procurement of food, and have generally applied themselves to agriculture, by which they obtain ample supplies of provisions, and many of their farms appear to be as well cultivated, and as productive, as the lands generally in the surrounding districts; they are also increasing in their domestic comforts, by improving their accommodations about their dwellings, and more generally cultivating garden vegetables, planting orchards, rearing stock, building barns and other requisite outhouses.

By their exertions, aided and encouraged by the State of New York, and assisted by some of their friends, they have an adequate number of schools, so located in different sections of their Reservations as to afford access and accommodation for their children. The State of New York has likewise provided by law, for the admission of 30 Indian children into its normal school, in order that they may be instruced in the higher branches of learning, and qualified to become school teachers; and there is a cheering hope, that by these and other acts of kindness, which that State has extended to her Indian population, she will, within her territory, exhibit to the world, the gratifying spectacle, of a flourishing aboriginal community, rescued from the melancholy fate that has befallen so many of heir kindred tribes.

The Indians at Cattaraugus have it in contemplation to establish a public institution, to be styled "The Orphan's Home," in which the indigent children among them, are to be supported and educated. These circumstances sufficiently attest the improved intellectual and social condition of the Senecas; but as a further evidence of their advanced state of civilization, they have at a general convention of the Nation, and as far as we are informed, without the aid or interference of any extraneous influence, radically changed their political system, by abrogating their ancient irresponsible and inefficient form of governmet by chiefs, and establishing in its place a representative republic, wit'. Executive, Judiciary and Legislative Departments, founded upon the principles of our State Governments; in which all the public functionaries are rendered responsible to the people by frequently recurring elections. This Government has been in operation about two years, and promises to answer all the purposes of its institution. The laws are regularly executed, and we believe nothing is wanted to perfect its administration, but an undisturbed opportunity to acquire that skill in the management of its concerns, which experience alone can give.

But the Senecas are yet surrounded by dangers from various sources. Their land has become valuable, and is eagerly desired by speculators, who have acquired a pre-emptive right to purchase it, while the great bulk of the Indians, are utterly opposed to its sale. The society we represent are anxious for their protection, and having large experience of the benevolent action of the general government towards these injured people, we have believed it right briefly to represent their present circumstances to the President of the United States, and to the Department having charge of Indian concerns, asking a continuance of that kindness and protection which have heretofore been so humanely extended to the Seneca Indians. Signed on behalf of the Committe,

GEO. T. TRIMBLE, Clerk.

New York, 12th mo. 11th, 1850.

[Extract from the Report of the Commissioner of Indian Affairs.]

"DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, Nov. 27, 1850."

"The only considerable number of Indians who have retained any portion of their original possessions, and survived the perils of immediate contact with a white population fast thickening around them, are those remaining in the State of New York, comprising a mere remnant of the once numerous and powerful Iriquois, or "Six Nations." After rapidly diminishing for a number of years, they seem at length to have reached the lowest point in their declining fortunes. Having been placed, by the humane legislation of the State, in a situation similar to that of our colonized tribes, they present the interesting spectacle of a once barbarous people in a state of rapid transition to civilization and prosperity. A striking indication of their progress is the important change they have made in their civil polity. Impressed with the disadvantages of their ancient and irresponsible oligarchical form of government, and its tendency to retard their advancement, a majority succeeded, in 1848, in effecting an entire revolution. Having formally assembled in convention, they adopted a republican constitution, and their government and affairs are now well conducted, on principles similar to those on which ours are administered. There are still, however, individuals among them who, from their connexion with the old system, are opposed to the new order of things; but, as the object of these malcontents is to regain their lost power, rather than to promote the public good, no encouragement has been given to them, either by the State of New York or the general government.'

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